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WASHINGTON, D.C. 20231
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Paper No. 7

MAIL

SEAN M. MCGINN
MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA, VIRGINIA 22182-3817

JAN 11 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Uchibori)
Application No. 09/588,725) DECISION ON PETITION UNDER 37
Attorney Docket No. F-10190) CFR 1.181 TO WITHDRAW HOLDING
Filed: June 07, 2000) OF ABANDONMENT
For: TASK PROCESSING SYSTEM)
)

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed October 29, 2004.

The petition is **GRANTED**.

Applicable Prosecution History

July 02, 2003	Non-final rejection mailed (Paper No. 4).
July 01, 2004	Notice of Abandonment (Paper No. 5).
October 29, 2004	Petition to withdraw holding of abandonment (Paper No. 6) which includes a copy of the USPTO return postcard, a copy of the September 26, 2003 amendment, and deposit account authorization for any extensions.

A grantable petition must include a copy of the response and proof of timely filing of the response. A properly used Certificate of mail transmission that includes a 37 CFR 1.8 (b) (3) Statement or an Office generated FAX receipt that properly identifies the contents of the submission is acceptable. No fee is required.

The mere filing of a petition will not stay any period for reply that may be running against the application, nor act as a stay of other proceedings. Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided. This two-month period is not extendable.

The petition and the USPTO return postcard both indicate that an amendment, payment for the excess claim fee, and deposit account authorization for any extensions of time were timely filed on September 26, 2003. Copies of these papers were filed with the petition and thus serve as a record of the contents of these papers in the file jacket.

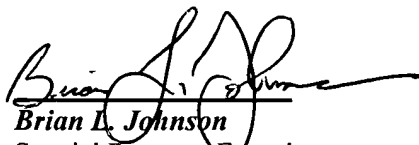
The USPTO return postcard which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on September 26, 2003 with the authorization to charge the requisite fee for extensions of time necessary for the response to be considered timely. Thus, Petitioner has established that a response was timely filed and the Abandonment as the result of Office error in not matching the response to the application file.

The petition appeared to be untimely (MPEP section 711.03(c)(f)) because nearly four months transpired between the notice of abandonment (mailed July 1, 2004, as noted by Applicants in the petition) and the petition (entered October 29, 2004). Representative Sean McGinn explained (interview held with Examiner Hugh Jones on 1/05/2005) that the serial number and inventorship were incorrectly listed on the notice of abandonment and differed from the serial number and inventorship listed on the cover page of the notice of abandonment. The Representative stated that he attempted to contact the office on 7/06/2004 and 7/23/2004 to resolve the discrepancy and left messages each time. The Representative further stated that he spoke with Supervisory Patent Examiner Meng-Al An on 10/27/2004 in an unsuccessful attempt to resolve the matter. A review of the file indicates that the serial number and inventorship is incorrectly listed on the notice of abandonment and differs from that of the cover page of the notice of abandonment. Representative's arguments are persuasive and the petition is considered timely.

Petition to Withdraw Holding of Abandonment is **GRANTED**.

The application file is being forwarded to the Technology Center support staff with instructions to withdraw the holding of abandonment, and for processing of the amendment of September 26, 2003 and the Information Disclosure Statement of May 6, 2004. After processing, the application will then be forwarded to the Examiner for appropriate action.



Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

HMJ: 1/06/04